



**ARIZONA STATE SENATE**  
***Fifty-Third Legislature, First Regular Session***

**AMENDED**  
**FACT SHEET FOR S.B. 1199**

criminal history investigation; name change

Purpose

Requires a person to undergo a criminal background check before the court considers an application to change his or her name under certain circumstances. Permits the court to deny an application if the person is changing his or her name to commit certain offenses.

Background

Statute permits a person wishing to change his or her legal name to file an application in the superior court of his or her county. At the time of application, the person wishing to change his or her name is required, under penalty of perjury, to indicate: 1) if the person has been convicted of a felony; 2) if felony charges are pending against the person for offenses relating to theft, forgery, fraud, organized crime, terrorism, perjury or any other offense involving false statements or misrepresentations about the person's identity; 3) if the person is knowingly changing his or her name to the name of another individual for the purpose of committing the above offenses; 4) if the person is making the application solely for the best interest of himself or herself; and 5) that the person acknowledges that a name change will not release the person from any obligations incurred or harm any rights of property or actions in the original name ([A.R.S. § 12-601](#)).

According to the Department of Public Safety (DPS), a person wishing to get fingerprint clearance for a non-professional purpose must go through the courts. The courts then submit the fingerprints to DPS, who conducts the state and federal background check for a fee of \$22.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires a person to furnish fingerprints to the court to enable a criminal history records check before the court considers an application for a legal name change.
2. Requires the court to submit the completed fingerprint card and related fees to DPS.
3. Specifies that the applicant must bear the cost of obtaining the criminal history record information, which may not exceed the actual cost of obtaining the information.
4. Requires DPS to conduct the criminal history record checks pursuant to state and federal law.

5. Permits DPS to submit fingerprint card information to the Federal Bureau of Investigation for a national criminal history records check.
6. Exempts from the background check requirement:
  - a) a person applying on behalf of a minor;
  - b) a person requesting a name change in a divorce or post-decree proceeding; and
  - c) a person requesting a name change because the applicant is a victim of domestic violence.
7. Requires a person to disclose at the time of the application for a name change whether or not there are charges pending against the person for:
  - a) specified misdemeanor offenses; or
  - b) *any* felony offenses.
8. Requires a person to disclose whether or not he or she is knowingly changing his or her name for the purpose of violating sex offender registration laws.
9. Permits a court to set aside a change of name judgment or deny a pending application:
  - a) if the applicant has been convicted of any felony offenses;
  - b) if the court determines that the applicant is knowingly changing his or her name to that of another individual for the purpose of committing or furthering specified offenses; or
  - c) on conviction of failure to register as a sex offender.
10. Makes technical and conforming changes.
11. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Expands the list of offenses, pending and charged, that a person must disclose at the time of application for a name change.
2. Grants a court the authority to deny a name change under certain circumstances.

Amendments Adopted by Committee of the Whole

1. Exempts people who apply for a name change after a divorce is finalized or as a result of being a victim of domestic violence from the background check requirement.
2. Expands the reasons a court may deny an application or set aside a name change judgment.

Senate Action

JUD            2/16/17    DPA    4-2-2

Prepared by Senate Research

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AW/VR/rr